

AMENDED IN SENATE AUGUST 20, 1998

AMENDED IN ASSEMBLY MAY 12, 1998

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2697

Introduced by Assembly Member Ducheny

February 23, 1998

An act to amend ~~Section 18949.6~~ *Sections 18949.6 and 116049.1* of the Health and Safety Code, relating to building standards, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2697, as amended, Ducheny. Building standards: ~~housing cost impact.~~

Existing

(1) *Existing* law requires a notice of the proposed adoption, amendment, or repeal of a regulation by a state agency to include, among other things, a statement that the action would have a significant effect on housing costs, if that is determined to be the case.

This bill would require the Trade and Commerce Agency, if requested by the California Building Standards Commission, to provide an economic review of the housing cost impact statement or related study submitted by a building standards code change proponent. ~~The bill would~~

~~require the commission to reimburse the agency for the cost of preparing the review.~~

(2) Existing law requires all dry-niche light fixtures and all underwater wet-niche light fixtures operating at more than 15 volts in public swimming pools operated for the use of the general public with or without charge, or for the use of the members and guests of a private club, including any swimming pool located on the grounds of a hotel, motel, inn, apartment complex, or any residential setting other than a single-family home, and those public swimming pools owned or operated by the state or by local agencies, to be protected by a ground-fault circuit interrupter in the branch circuit and to have light fixtures that have encapsulated terminals. Any of these public swimming pools that do not meet these requirements as of January 1, 1998, are required to be retrofitted by July 1, 1998, and to be inspected by September 1, 1998.

Existing law also designates the State Department of Health Services as having supervision over these requirements, and requires every health officer, within his or her jurisdiction, to enforce building standards relating to swimming pools. Existing law makes violation of these requirements a misdemeanor.

This bill would revise and recast these requirements, as the Yasmin Paleso'o Memorial Swimming Pool Safety Law, to require that the design and installation of all underwater lighting systems, operating at more than 15 volts, supplied from a branch circuit either directly or by way of a transformer, be installed according to specified requirements so that there is no shock hazard with any likely combination of fault conditions during normal use. Any public swimming pool that does not meet these requirements would be required to be retrofitted by May 1, 1999. The bill would delete the exemption for public swimming pools owned or operated by the state or any local government from these provisions.

The bill would also require the owner or operator of a public swimming pool, on or before May 1, 1999, to obtain an inspection by a local health officer or a qualified contractor and to certify to the local health officer that the facility

complies with these provisions. By changing the definition of a crime and increasing the inspection duties of local officers, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) This bill would take effect immediately as an urgency statute.

Vote: ~~majority~~ 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18949.6 of the Health and Safety
2 Code is amended to read:

3 18949.6. (a) The commission shall adopt regulations
4 setting forth the procedure for the adoption of building
5 standards and administrative regulations that apply
6 directly to the implementation or enforcement of
7 building standards.

8 (b) Regulatory adoption shall be accomplished so as to
9 facilitate the triennial adoption of the specified model
10 codes pursuant to Section 18928.

11 (c) The regulations shall allow for the distribution of
12 proposed building standards and regulatory changes to
13 the public for review in compliance with the
14 requirements of the rulemaking provisions of the

1 Administrative Procedure Act (Chapter 3.5
2 (commencing with Section 11340) of Part 1 of Division 3
3 of Title 2 of the Government Code) and for the
4 acceptance of responses from the public.

5 (d) With regard to proposed residential building
6 standards, the Trade and Commerce Agency shall
7 provide, if requested by the commission, an economic
8 review of the housing cost impact statement or related
9 study submitted by the code change proponent pursuant
10 to Section 11346.5 of the Government Code. ~~Costs~~
11 ~~incurred by the Trade and Commerce Agency related to~~
12 ~~the preparation of the economic review shall be~~
13 ~~reimbursed by the commission.~~

14 *SEC. 2. Section 116049.1 of the Health and Safety*
15 *Code is amended to read:*

16 116049.1. (a) “Public swimming pool,” as used in this
17 section, means any swimming pool operated for the use
18 of the general public with or without charge, or for the
19 use of the members and guests of a private club, including
20 any swimming pool located on the grounds of a hotel,
21 motel, inn, an apartment complex, or any residential
22 setting other than a single-family home. For purposes of
23 this section, public swimming pool shall not include a
24 swimming pool located on the grounds of a private
25 single-family home, ~~or a swimming pool owned or~~
26 ~~operated by the state or any local governmental entity as~~
27 ~~set forth in Section 116049.~~

28 (b) ~~All dry-niche light fixtures, and all underwater~~
29 ~~wet niche light fixtures operating at more than 15 volts in~~
30 ~~public swimming pools, as defined in this section, shall be~~
31 ~~protected by a ground fault circuit interrupter in the~~
32 ~~branch circuit, and all light fixtures in public swimming~~
33 ~~pools shall have encapsulated terminals. The design and~~
34 ~~installation of all underwater lighting systems, operating~~
35 ~~at more than 15 volts, supplied from a branch circuit~~
36 ~~either directly or by way of a transformer, shall be~~
37 ~~installed in a public swimming pool, as defined in this~~
38 ~~section, so that there is no shock hazard with any likely~~
39 ~~combination of fault conditions during normal use, and~~
40 ~~shall comply with both of the following requirements:~~

1 (1) An approved ground-fault circuit interrupter shall
2 be installed in the branch circuit that supplies all fixtures
3 operating at more than 15 volts.

4 (2) Only approved underwater lighting fixtures shall
5 be used and no lighting fixtures shall be installed for
6 operations at more than 150 volts between conductors.

7 (c) Any public swimming pool that does not meet the
8 requirements specified in subdivision (b) ~~by January 1,~~
9 ~~1998,~~ shall be retrofitted to comply with these
10 requirements by ~~July 1, 1998~~ May 1, 1999.

11 (d) The ground-fault circuit interrupter required
12 pursuant to this section shall comply with ~~Underwriter's~~
13 ~~Laboratory~~ standards acceptable to the authority having
14 jurisdiction.

15 (e) The owner or operator of a public swimming pool
16 shall ~~have its public swimming pool inspected by a~~
17 ~~qualified inspector on or before September 1, 1998, to~~
18 ~~determine compliance with this section, on or before May~~
19 ~~1, 1999, comply with both of the following:~~

20 (1) Obtain an inspection of its public swimming pool
21 by the local health officer or a qualified contractor as set
22 forth in subdivision (f).

23 (2) Certify to the local health officer as set forth in
24 Section 116053 that the public swimming pool facility is
25 in compliance with this section.

26 (f) All electrical work required for compliance with
27 this section shall be performed by ~~an electrician licensed~~
28 ~~pursuant to Chapter 9 (commencing with Section 7000)~~
29 ~~of Division 3 of the Business and Professions Code a~~
30 ~~person licensed to perform electrical work within his or~~
31 ~~her general, specialty, or limited specialty contractor's~~
32 ~~licensed scope of practice pursuant to Section 7059 of the~~
33 ~~Business and Professions Code.~~

34 (g) This section shall be known and may be cited as the
35 Yasmin Paleso'o Memorial Swimming Pool Safety Law.

36 SEC. 3. No reimbursement is required by this act
37 pursuant to Section 6 of Article XIII B of the California
38 Constitution for certain costs that may be incurred by a
39 local agency or school district because in that regard this
40 act creates a new crime or infraction, eliminates a crime

1 or infraction, or changes the penalty for a crime or
2 infraction, within the meaning of Section 17556 of the
3 Government Code, or changes the definition of a crime
4 within the meaning of Section 6 of Article XIII B of the
5 California Constitution.

6 However, notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains other costs mandated by
9 the state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

20 SEC. 4. This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or
22 safety within the meaning of Article IV of the
23 Constitution and shall go into immediate effect. The facts
24 constituting the necessity are:

25 In order to provide that the design and installation of
26 all underwater lighting systems in public swimming pools
27 are retrofitted to appropriate safety standards at the
28 earliest possible date, it is necessary for this act to take
29 effect immediately.